

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

OPTRICS, INC.,  
Plaintiff,

v.

BARRACUDA NETWORKS, INC.,  
Defendant.

Case No. 17-cv-04977-RS (TSH)

**DISCOVERY ORDER**

Re: Dkt. Nos. 157 to 165

On December 23, 2019, Barracuda filed a discovery letter brief concerning written discovery and depositions. ECF No. 159. Optrics filed a response on December 30, 2019. ECF No. 164. Barracuda's letter cites certain documents by Bates number as part of its argument that responsive evidence exists. However, Barracuda did not provide the documents themselves, and mere citations to Bates numbers are unhelpful. The Court **ORDERS** Barracuda to file the cited documents by January 8, 2020.

On December 23, 2019, Barracuda filed a motion to seal in connection with a discovery letter brief. ECF No. 157. Barracuda did not contend that any of the cited materials are confidential. Rather, it moved to seal because Optrics had designated the materials as confidential pursuant to the protective order in this action. In this situation, Optrics was required to file an affidavit within four days establishing that the materials warrant sealing. *See* Civil L.R. 79-5(e)(1). It didn't do so. Accordingly, the motion to seal at ECF No. 157 is **DENIED**.

On December 23, 2019, Barracuda filed a discovery letter brief concerning requests for admission. ECF No. 158. On December 30, 2019, Optrics filed a response. ECF No. 163. Both parties discuss certain documents by Bates number. It is difficult for the Court to evaluate the parties' arguments without seeing the cited documents. The Court **ORDERS** Barracuda to file the

1 cited documents by January 8, 2020.

2 On December 30, 2019, Optricos filed a discovery letter brief seeking to compel the  
3 deposition of non-party David Faugno, Barracuda's former CFO. ECF No. 162. However, there  
4 is no indication that Barracuda's counsel represent Mr. Faugno, and there is no proof of service  
5 indicating that the discovery letter brief was served on Mr. Faugno or anyone representing him.  
6 The Court **ORDERS** Optricos to either file such a proof of service, or to state that it did not serve  
7 the discovery letter brief on Mr. Faugno, by January 8, 2020.

8 On December 30, 2019, Optricos filed a discovery letter brief concerning certain  
9 depositions. ECF No. 165. The Court **ORDERS** Barracuda to file a response by January 8, 2020.

10 On December 30, 2019, Optricos filed a discovery letter brief concerning requests for  
11 production. ECF No. 161. The Court **ORDERS** Barracuda to file a response by January 8, 2020.

12 The Court schedules a telephonic hearing on the foregoing discovery letter briefs for  
13 January 10, 2020 at 4:00 p.m.

14 **IT IS SO ORDERED.**

15  
16 Dated: January 6, 2020

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18 THOMAS S. HIXSON  
United States Magistrate Judge